

PROB 12C
(7/93)

Report Date: March 25, 2014

United States District Court

for the

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Eastern District of Washington

MAR 27 2014

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Michael Dean Fiander

Case Number: 0980 2:06CR02062-001

Address of Offender: [REDACTED] Harrah, Washington 98933

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: September 28, 2006

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison 127 days;
TSR - 36 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: James P. Hagarty Date Supervision Commenced: February 11, 2013

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: December 10, 2014

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Michael Fiander is considered in violation of his period of supervised release by committing the offenses of felony driving under the influence, first degree driving while license suspended, driving without ignition interlock and with a restricted license, and obstructing a law enforcement officer, on or prior to March 8, 2014.

On March 8, 2014, the defendant was stopped by a Washington State Patrol Trooper after being observed driving 50 mph in a 30 mph zone. The trooper noted the defendant refused to provide his drivers license and only would produce his tribal card. The defendant was also noted as having a strong odor of intoxicants coming from his vehicle. The defendant was placed under arrest. He was asked if he would be willing to participate in a field sobriety test and he agreed. The defendant failed the test. The trooper was then advised the defendant was suspended in the first degree and had four prior DUI's. This made the current arrest a felony DUI. The defendant refused a PBT test so the trooper applied for a warrant to draw blood. The warrant was granted and the defendant stated, "go ahead and use force, I am not giving it to you." Once the trooper explained they would get the blood drawn the defendant complied. After the draw was completed, the trooper cuffed the defendant in the

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front as he was complaining of discomfort. While they were enroute to the Yakima County Jail, the defendant, "lit up a cigarette and began smoking." The defendant was removed from the vehicle and the cigarette was put out.

The defendant was booked into the Yakima County Jail under case number 14-1-00357-4.

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Special Condition # 17: You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Michael Fiander is considered in violation of his period of supervised release by using alcohol on or prior to March 8, 2014.

As noted above, the defendant was contacted by a Washington State Trooper on March 8, 2014, and was determined to be under the influence of alcohol.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 25, 2014

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other


Signature of Judicial Officer

3/27/14
Date